

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the matter of:

San Gabriel Valley Superfund Sites,
Areas 1-4

RESPONDENT:

Precision Coil Spring Co., Inc.
10107 Rose Street
El Monte, CA 91731

U.S. EPA Docket
No. 92-02

Proceeding Under Section 106(a) of the
Comprehensive Environmental Response,
Compensation, and Liability Act of 1980
(42 U.S.C. § 9606(a)).

ADMINISTRATIVE ORDER FOR
PARTIAL REMEDIAL INVESTIGATION

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1 I. AUTHORITY

2 This Administrative Order ("Order") is issued on this date
3 pursuant to the authority vested in the President of the United
4 States by Section 106(a) of the Comprehensive Environmental
5 Response, Compensation, and Liability Act of 1980, 42 U.S.C.
6 §106(a), as amended by the Superfund Amendments and
7 Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA"). The
8 President delegated this authority to the Administrator of the
9 United States Environmental Protection Agency ("EPA" or "Agency")
10 by Executive Order 12580, January 23, 1987, 52 Fed. Reg. 2923,
11 and further delegated it to the Assistant Administrator for Solid
12 Waste and Emergency Response and the Regional Administrators by
13 EPA Delegation Nos. 14-8-A and 14-14-C. This authority has been
14 redelegated to the Director, Hazardous Waste Management Division,
15 EPA, Region 9 ("Director") by Region 9 Delegations 1290.41 and
16 1290.42.

17 II. DEFINITIONS

18 A. The San Gabriel Valley Superfund Sites, Areas 1-4 are
19 located in suburban Los Angeles County in Southern California.
20 There are four areas of groundwater contamination listed on the
21 National Priorities List (San Gabriel Valley Areas 1-4).
22 Included within the sites are significant portions of the cities
23 of Azusa, Baldwin Park, Irwindale, La Puente, Industry, West
24 Covina, El Monte, South El Monte, Monrovia, Arcadia, Rosemead,
25 and Alhambra.

26 B. The San Gabriel Valley Area 1 Superfund Site was placed
27 on the National Priorities List due to contamination of
28 groundwater by tetrachloroethene and other organic solvents. The

1 San Gabriel Valley. Area 1 Superfund Site includes an area of
2 groundwater contamination located in the city of El Monte and
3 neighboring areas in Los Angeles County.

4 C. The "Precision Coil Site" is the property located at
5 10107 Rose Street in El Monte, California. Precision Coil Spring
6 Company owns this property and operates at this location. The
7 Precision Coil Site includes the unsaturated and saturated zones
8 below the surface of the property as well as adjacent areas to
9 which hazardous substances have migrated. The Precision Coil
10 Site is located on the San Gabriel Valley Area 1 Superfund Site.

11 D. "Day" means calendar day unless otherwise noted in this
12 Order.

13 III. PARTIES BOUND

14 A. This Order shall apply to and be binding upon Precision
15 Coil Spring Co., Inc., an Ohio corporation ("Precision Coil
16 Spring" or "Respondent"), its agents, successors and assigns. No
17 change in ownership or operational status will alter Respondent's
18 obligations under this Order. Respondent shall provide a copy of
19 this Order to all contractors, subcontractors, laboratories, and
20 consultants which are retained by Respondent to perform the work
21 required by this Order, within five (5) days after the Effective
22 Date of this Order or within five (5) days of retaining their
23 services. Notwithstanding the terms of any contract or
24 agreement, Respondent is responsible for compliance with this
25 Order and for ensuring that its employees, contractors, and
26 agents comply with this Order.

27 B. Respondent shall not convey any title, easement, or
28 other interest it may have in any property comprising the

1 Precision Coil Site, and Respondent shall not convey any interest
2 in the corporation, without a provision permitting the continuous
3 implementation of the provisions of this Order. Respondent shall
4 provide a copy of this Order to any subsequent owner(s) or
5 successor(s) before any ownership rights are transferred.
6 Respondent shall advise EPA in advance of any anticipated
7 transfer of interest.

8 IV. FINDINGS OF FACT

9 A. In response to EPA Request for Information pursuant to
10 CERCLA §104(e) (Hereinafter referred to as "EPA Questions"),
11 Precision Coil Spring Company described itself as a "custom job
12 shop fabricating all types of spring coils and other metal
13 products for the aerospace industry" (Response to EPA Question
14 #1).

15 B. Precision Coil Spring Company stores, uses, and/or
16 discharges tetrachloroethene (also known as tetrachloroethylene,
17 perchloroethylene, perchlor, perc, and PCE) and other organic
18 solvents in an above-ground tank, degreasing operations, and an
19 industrial waste clarifier (Response to EPA Questions #3 and
20 #12).

21 C. The Precision Coil Site included an epoxy-lined
22 industrial wastewater clarifier which was removed in 1979. A
23 cement-lined clarifier is currently located in the northwest
24 corner of the Precision Coil Site. A 5,000 gallon underground
25 storage tank was removed from the Precision Coil Site in 1986.
26 Precision Coil Spring asserts in its response to EPA Question #5
27 that there is no evidence that the tank or epoxy-lined clarifier
28 leaked, but Precision Coil Spring has not provided detailed

1 information on the condition of the epoxy clarifier or tank at
2 the time of their removal, or whether any sampling was completed
3 to determine whether the clarifier or tank had leaked at the time
4 of removal.

5 D. The California Regional Water Quality Control Board,
6 Los Angeles ("Regional Board") inspected the Precision Coil Site
7 in November 1989 and January 1990. During their inspections,
8 Regional Board staff noted degraded and missing concrete at the
9 outlet to the Precision Coil Site's existing industrial waste
10 clarifier, inadequate secondary containment in solvent storage
11 area, and the use of strong acids and caustics. The Regional
12 Board subsequently directed Precision Coil Spring to complete a
13 minimum of three shallow soil borings at three (3) locations:
14 adjacent to the outlet of the industrial waste clarifier; in the
15 vicinity of the above-ground tetrachloroethene tank; and beneath
16 the vapor degreaser. This initial investigation detected
17 significant concentrations of tetrachloroethene in the
18 unsaturated zone in all three borings, at depths of 1, 1.5, and 5
19 feet, at concentrations up to 750 micrograms per kilogram. In
20 May 1990, the Regional Board requested additional work to
21 determine the full extent of contamination in the unsaturated and
22 saturated zones.

23 E. One and one-half years have elapsed since the Regional
24 Board requested additional investigation work to fully
25 characterize the extent of subsurface contamination. Precision
26 Coil Spring has carried out no further sampling in this period,
27 despite repeated discussions with Regional Board staff regarding
28 their reasons for requesting additional investigation work and

1 the essential components of an investigation. In a letter from
2 the Regional Board dated 27 September 1991, and in a letter from
3 EPA dated 18 October 1991, Precision Coil Spring was advised that
4 additional investigation work was long overdue.

5 F. Precision Coil Spring has been advised by both Regional
6 Board and EPA that an adequate investigation should include a
7 complete site audit, a multi-level soil gas investigation, soil
8 sampling in identified source areas, and installation of
9 groundwater monitoring wells. In its October letter, EPA advised
10 Precision Coil Spring that soil sampling alone cannot adequately
11 determine the extent of contamination in the unsaturated zone.

12 G. Precision Coil Spring has operated at their current
13 site at 10107 Rose Street in El Monte, California since 1956. A
14 neighboring property located at 10125 Rose Street was purchased
15 in 1978 and combined with the 10107 Rose Street property.
16 Precision Coil Spring's length of occupancy, and movement of
17 Precision Coil Spring's operations within the Rose Street sites
18 during the last 35 years, indicate the potential for historical,
19 currently unobservable, source areas.

20 V. CONCLUSIONS OF LAW

21 A. The Precision Coil Site is a "facility" as defined in
22 Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

23 B. Respondent is a "person" as defined in Section 101(21)
24 of CERCLA, 42 U.S.C. §9601(21).

25 C. Analyses of samples collected during past investiga-
26 tions indicate the presence of tetrachloroethene. This
27 substance, among others, is a "hazardous substance" as defined in
28 Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

1 D. The past, present, and potential migration of hazardous
2 substances from the facility constitutes an actual or threatened
3 "release" as defined in Section 101(22) of CERCLA, 42 U.S.C.
4 §9601(22).

5 E. Respondent currently owns, and has owned since ap-
6 proximately 1957, the location at 10107 Rose Street, El Monte, CA
7 91731 at which the hazardous substances have come to be located.
8 Respondent is a potentially responsible party as defined in
9 Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

10 VI. DETERMINATIONS

11 A. The Director has determined that an actual or
12 threatened release of hazardous substances from the Precision
13 Coil Site may present an imminent and substantial endangerment to
14 the public health or welfare or the environment.

15 B. The actions required by this Order are necessary to
16 protect the public health, welfare and the environment.

17 C. If performed satisfactorily, the actions required by
18 this Order are consistent with the National Contingency Plan, 40
19 C.F.R. Part 300 ("NCP").

20 VII. NOTICE TO THE STATE

21 Pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a),
22 EPA has notified the State of California of the issuance of this
23 Order by providing the Regional Board a copy of this Order.

24 VIII. WORK TO BE PERFORMED

25 A. General Provisions

26 1. All work shall be conducted in accordance with:
27 CERCLA; the NCP; EPA "Guidance for Conducting Remedial Investiga-
28 tions and Feasibility Studies Under CERCLA" (EPA, October 1988);

1 "Preparation of a U.S. EPA Region 9 Field Sampling Plan for
2 Private and State-Lead Superfund Projects (EPA, April 1990); U.S.
3 EPA Region 9 Guidance for Preparing Quality Assurance Project
4 Plans for Superfund Remedial Projects" (EPA, September 1989); any
5 final amended or superseding versions of such documents provided
6 by EPA; other applicable EPA guidance documents; and any report,
7 document or deliverable prepared by EPA because Respondent fails
8 to comply with this Order.

9 2. All plans, schedules, and other reports that
10 require EPA's approval and are submitted by Respondent pursuant
11 to this Order are incorporated into this Order upon approval by
12 EPA.

13 3. All work performed by or on behalf of Respondent
14 pursuant to this Order shall be performed by qualified
15 individuals and/or contractors with expertise in hazardous waste
16 site investigation. The qualifications of the persons,
17 contractors, and subcontractors undertaking the work for
18 Respondent shall be subject to EPA review.

19 4. EPA will oversee Respondent's activities as
20 specified in Section 104(a)(1) of CERCLA Section, 42 U.S.C.
21 §9604(a)(1). Respondent will support EPA's initiation and
22 conduct of activities carried out in its oversight
23 responsibilities.

24 5. To provide quality assurance, maintain quality
25 control, and satisfy chain of custody requirements, Respondent
26 shall: (a) use a laboratory which has a documented Quality As-
27 surance Program that complies with EPA guidance (EPA, September
28 1989); and (b) ensure that the laboratory used by Respondent for

1 analysis performs such analyses according to a method or methods
2 approved by EPA in the Field Sampling Plan and/or Quality
3 Assurance Project Plan to be submitted by Respondent.

4 B. Work and Deliverables

5 1. Based on the Findings of Fact, Conclusions of Law,
6 and Determinations, EPA hereby orders Respondent to perform the
7 following work under the direction of the EPA's Remedial Project
8 Manager, and to comply with all the requirements of this Order.
9 Respondent will furnish all personnel, materials, and services
10 needed, or incidental to, performing the Investigation, except as
11 otherwise specified in the Order.

12 2. Respondent shall initiate activities necessary to
13 satisfy the following objectives: determine the nature and
14 extent of vapor and non-vapor phase contamination in the
15 unsaturated (vadose) zone resulting from releases of hazardous
16 substances at the Precision Coil Site. Both the horizontal and
17 vertical extent of contamination should be determined. The
18 investigation should include: preparation of a plot plan showing
19 all locations, past and present, where solvents are or were
20 stored, used, or disposed of; a multi-level soil gas survey; and
21 at least one (1) installation of nested soil vapor probes
22 completed to a minimum depth of 65 feet below ground surface. If
23 boring penetrates groundwater, it must also be completed as a
24 groundwater monitoring well. The nested installation should
25 include a minimum of five probes and be sampled a minimum of
26 three times (immediately after installation, approximately 7 days
27 after installation, and approximately 30 days after
28 installation). The sampling grid should be densest in the

vicinity of the solvent storage tank, clarifier(s), and other possible source areas. Samples should be analyzed using EPA methods 8260 or 8010/8020. The information produced by the investigation may be used to support or refute hypotheses regarding the origin of subsurface contamination.

3. Respondent will maintain field and laboratory records and reports, including field logs, sample shipment records, analytical results, and quality assurance reports, to ensure that only validated analytical data are reported to and utilized by EPA. Field logs must be utilized to document observations, measurements, and significant events that occur during field activities. Laboratory reports must document sample custody, analytical responsibility, analytical results, adherence to prescribed protocols, nonconformity events, corrective measures, and/or data deficiencies. In addition, Respondent will establish a data security system to safeguard chain-of-custody forms and other project records to prevent loss, damage, or alteration of project documentation.

4. Respondent will: (a) provide notification to EPA as described below; (b) prepare a Field Sampling Plan ("FSP"); (c) prepare a Quality Assurance Project Plan ("QAPP"); (d) prepare a Health & Safety Plan; and (e) prepare a final Remedial Investigation Report. These documents and actions are necessary to ensure that sample collection and analytical activities are conducted in accordance with technically acceptable protocols, that data quality objectives are established and met, and to otherwise meet the requirements of this Order. The Field Sampling Plan, Quality Assurance/Quality Control Plan, and Health

1 and Safety Plan may be submitted separately or as a single
2 document. These tasks are described below.

3 5. Respondent shall notify EPA in writing of the
4 name, title and qualifications of the individual(s) who will be
5 responsible for carrying out the terms of this Order, and the
6 name(s) of all contractors or subcontractors. Notification will
7 be provided within fourteen (14) days after the Effective Date of
8 this Order.

9 6. If EPA disapproves in writing of any person's or
10 contractor's technical and/or experience qualifications, EPA will
11 notify Respondent in writing, and Respondent shall subsequently
12 notify EPA within fourteen (14) days of Respondent's receipt of
13 EPA's written notice, of the identity and qualifications of the
14 replacement(s). A subsequent EPA disapproval of the
15 replacement(s) shall be deemed a failure to comply with the
16 Order.

17 7. Subsequent to approval by EPA of the individuals,
18 contractors, or subcontractors who will be responsible for the
19 investigation, Respondent may propose that different individuals,
20 contractors and/or subcontractors direct and supervise the work
21 required by this Order. If Respondent wishes to propose such a
22 change, Respondent shall notify EPA in writing of the name,
23 title, and qualifications of the proposed individuals and the
24 names of proposed contractors and/or subcontractors. Any such
25 individual, contractors and/or subcontractors shall be subject to
26 approval by EPA. EPA shall give Respondent its approval or
27 disapproval within fourteen (14) days of receiving from
28 Respondent the information required by this paragraph. The

1 naming of any replacement(s) by Respondent shall not relieve
2 Respondent of any of its obligations to perform the work required
3 by this Order. A subsequent EPA disapproval of the
4 replacement(s) shall be deemed a failure to comply with the
5 Order.

6 8. Respondent shall prepare a Field Sampling Plan
7 ("Sampling Plan") in accordance with EPA guidelines (EPA, April
8 1990). It will include:

9 (a) a summary of the Precision Coil Site's
10 geographic location, and site geology, hydrogeology and
11 hydrology;

12 (b) a summary of the Precision Coil Spring
13 Company's operational history including the past and present
14 location of underground and above-ground tanks, baths, vapor
15 degreasers, clarifiers, or other structures where solvents are or
16 were used, stored, or discharged;

17 (c) a compilation and review all existing site
18 data describing the types, locations, and quantities of hazardous
19 substances used and/or released at the Precision Coil Site
20 including a review of the results from previous sampling and
21 clean-up activities;

22 (d) a detailed list of tasks to be performed to
23 fulfill the requirements of this Order; and

24 (e) a description of sampling objectives; sample
25 location and frequency including quality control samples,
26 sampling equipment and methodologies; sample handling and
27 analysis; and other aspects of the work to be performed. (Where
28 appropriate, Respondent shall use the protocols and analytical

1 methods addressed in documents included in the Attachment.

2 9. Respondent may cite relevant portions of these
3 documents in the Field Sampling Plan and Quality Assurance
4 Project Plan. Respondent shall evaluate and incorporate into the
5 Field Sampling Plan and/or Quality Assurance Project Plan any
6 necessary protocols and analytical methods that are not addressed
7 in documents included in the Attachment.

8 10. The Draft Sampling Plan is due 30 days after the
9 Effective Date of this Order. The Final Sampling Plan is due 15
10 days after Respondent has received EPA comments on the Draft
11 Sampling Plan. EPA must review and approve the Sampling Plan and
12 Quality Assurance Project Plan before any field activity is
13 initiated.

14 11. Respondent shall prepare a Quality Assurance
15 Project Plan in accordance with EPA guidelines (EPA, September
16 1989). It will include (to the extent not included in the Field
17 Sampling Plan):

- 18 (a) a description of data quality objectives;
19 (b) a description of method(s) used in the
20 investigation to document and record compliance with field and
21 laboratory procedures (e.g., field logs, laboratory reports);
22 (c) information sufficient to demonstrate, to
23 EPA's satisfaction, that each laboratory used by Respondent is
24 qualified to conduct the proposed work (e.g., ability to meet
25 required detection and quantification limits for chemicals of
26 concern in the media of interest);
27 (d) if the selected laboratory does not
28 participate in EPA's Contract Laboratory Program ("CLP"),

1 Respondent must submit documentation to demonstrate that the
2 laboratory uses methods consistent with CLP methods and quality
3 assurance requirements (e.g., detailed information to demonstrate
4 the adequacy of the laboratory's quality assurance program;
5 information on personnel qualifications, equipment and material
6 specifications);

7 (e) assurances that EPA has access to laboratory
8 personnel, equipment and records; and

9 (f) other aspects of quality assurance not
10 addressed in the Field Sampling Plan.

11 12. Respondent may reference, rather than repeat,
12 information contained in the Field Sampling Plan or in documents
13 listed in the Attachment if the necessary techniques, protocols
14 and quality assurance procedures are already described in those
15 documents.

16 13. The Draft Quality Assurance Project Plan is due 30
17 days after the Effective Date of this Order. The Final Quality
18 Assurance Project Plan is due 15 days after Respondent has
19 received EPA comments on the Draft Quality Assurance Project
20 Plan. EPA must review and approve the Sampling Plan and Quality
21 Assurance Project Plan before any field activity is initiated.

22 14. Respondent shall prepare a Health and Safety Plan
23 in conformance with Respondent's health and safety program, and
24 in compliance with Occupational Safety & Health Act ("OSHA")
25 regulations and protocols. The Health and Safety Plan will
26 include the eleven (11) elements described in EPA Guidance (EPA,
27 October 1988), such as a health and safety risk analysis, a
28 description of monitoring and personal protective equipment, and

1 medical monitoring.

2 15. The Health & Safety Plan is due 30 days after the
3 Effective Date of this Order.

4 16. Respondent will notify EPA of planned dates for
5 field activities at least one week before initiating sampling so
6 that EPA may adequately schedule oversight tasks.

7 17. Respondent will notify EPA in writing upon
8 completion of field activities.

9 18. After completing field sampling and analysis,
10 Respondent will prepare a draft Remedial Investigation report
11 describing the results of the remedial investigation. EPA
12 guidance (EPA, October 1988) provides an outline of the report
13 format and contents. It should:

14 (a) include a review of all investigative
15 activities that have taken place;

16 (b) include an analysis and evaluation of the
17 data to describe physical characteristics of the Precision
18 Facility, contaminant source characteristics, the nature and
19 extent of contamination in the unsaturated zone, and contaminant
20 fate and transport;

21 (c) describe and display data which document the
22 location, types, physical state, and concentration of
23 contaminants at the Precision Coil Site;

24 (d) demonstrate that quality assurance
25 requirements approved by EPA and specified in the Field Sampling
26 Plan and Quality Assurance Project Plan are met; and

27 (e) include as appendices a summary of all
28 validated data, field logs, chain of custody forms, and any other

1 information used to document the findings of the remedial
2 investigation.

3 19. The Draft Report is due to EPA 45 days after the
4 field work is completed. Respondent will prepare a final
5 Remedial Investigation report which satisfactorily addresses
6 EPA's comments within 21 days after Respondent receives EPA
7 comments on the Draft Report.

8 20. With the exception of the Health & Safety Plan,
9 EPA shall review, comment, and approve or disapprove each plan,
10 report, or other deliverable submitted by Respondent. All EPA
11 comments on draft deliverables shall be incorporated by Respon-
12 dent. EPA intends to review all plans (with the exception of the
13 Health & Safety Plan), reports, or other deliverables within
14 thirty (30) days of receipt of each document. EPA shall notify
15 Respondent in writing of EPA's approval or disapproval of a final
16 deliverable or if EPA requires additional review time. In the
17 event of any disapproval, EPA shall specify the reasons for such
18 disapproval, EPA's required modifications, and a time frame for
19 submission of the revised report, document, or deliverable. If
20 the modified report, document or deliverable is again disapproved
21 by EPA, EPA shall first notify Respondent and then may draft its
22 own report, document or deliverable and incorporate it as part of
23 this Order, and/or seek penalties from Respondent for failing to
24 comply with this Order, and/or conduct the remaining work re-
25 quired by this Order.

26 21. All documents, including technical reports, and
27 other correspondence to be submitted by Respondent pursuant to
28 this Order, shall be sent by U.S. mail to the following

addressees or to such other addressees as EPA hereafter may designate in writing, and shall be deemed submitted on the date received by EPA. Respondent shall submit two (2) copies of each document to EPA and one copy to the Regional Board.

22. The two copies of each document to be submitted to EPA shall be sent to:

Wayne Praskins
Remedial Project Manager (H-6-4)
Hazardous Waste Management Division
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 744-2259

One copy shall be sent to:

Dr. Robert Ghirelli
California Regional Water Quality Control Board
101 Centre Plaza Drive
Monterey Park, California 91754

23. Field work shall begin no later than thirty (30) days, and be completed no later than ninety (90) days, after EPA has approved the Field Sampling Plan and Quality Assurance Project Plan.

IX. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

A. At the request of EPA, Respondent shall provide to EPA and/or its authorized representatives split samples or duplicates of samples collected by Respondent as part of the investigation.

B. Nothing in this Order shall be interpreted as limiting EPA's inspection or information-gathering authority under federal law.

C. EPA personnel and/or EPA authorized representatives shall be allowed access to the laboratory and personnel used by Respondent for laboratory analyses.

1 D. For purposes of this Order, EPA's authorized
2 representatives shall include, but not be limited to, staff of
3 the Regional Board and consultants and contractors hired by EPA
4 to oversee activities required by this Order.

5 X. OTHER APPLICABLE LAWS

6 A. Respondent shall undertake all actions required by this
7 Order in accordance with the requirements of all applicable lo-
8 cal, state, and federal laws and regulations unless an exemption
9 from such requirements is specifically provided under CERCLA or
10 unless Respondent obtains a variance or exemption from the ap-
11 propriate governmental authority.

12 B. Any materials removed from the Precision Coil Site
13 shall be disposed of or treated at a facility in accordance with
14 Section 121(d)(3) of CERCLA, 42 U.S.C. §9621(d)(3).

15 XI. RECORD PRESERVATION

16 Respondent shall maintain, during the pendency of this Order
17 and for a minimum of ten (10) years after EPA provides notice to
18 Respondent that the work has been completed, a central depository
19 of the records and documents required to be prepared under this
20 Order. In addition, Respondent shall retain copies of the most
21 recent version of all documents that relate to hazardous
22 substances at the Precision Coil Site and that are in its
23 possession or in the possession of its employees, agents,
24 contractors, or attorneys. After this ten year period,
25 Respondent shall notify EPA at least thirty (30) days before the
26 documents are scheduled to be destroyed. If EPA so requests,
27 Respondent shall provide these documents to EPA.

28 / / / /

1 XII. DESIGNATED PROJECT MANAGERS

2 A. EPA designates Wayne Praskins, an employee of Region 9
3 of EPA, as its Remedial Project Manager ("RPM") who shall have
4 the authorities, duties, and responsibilities vested in the RPM
5 by the NCP. Within fifteen (15) days of the Effective Date of
6 this Order, Respondent shall designate a Project Coordinator who
7 shall be responsible for overseeing Respondent's implementation
8 of this Order. The EPA RPM will be EPA's designated
9 representative at the facility. To the maximum extent possible,
10 all oral communications between Respondent and EPA concerning the
11 activities performed pursuant to this Order shall be directed
12 through EPA's RPM and Respondent's Project Coordinator. All
13 documents, including progress and technical reports, approvals,
14 and other correspondence concerning the activities performed
15 pursuant to the terms and conditions of this Order, shall be
16 delivered in accordance with Paragraph VIII B.22.

17 B. EPA and Respondent may change their respective RPM and
18 Project Coordinator. Such a change shall be accomplished by
19 notifying the other party in writing at least seven (7) days
20 prior to the change except in the case of an emergency, in which
21 case notification shall be made orally followed by written
22 notification as soon as possible.

23 C. Consistent with the provisions of this Order, the EPA
24 RPM shall also have the authority vested in the On-Scene
25 Coordinator ("OSC") by the NCP, unless EPA designates a separate
26 individual as OSC, who shall then have such authority. This
27 includes, but is not limited to, the authority to halt, modify,
28 conduct, or direct any tasks required by this Order and/or

1 undertake any response actions (or portions of the response
2 action) when conditions present or may present a threat to public
3 health or welfare or the environment as set forth in the NCP.

4 D. The absence of the EPA RPM or the OSC from the
5 Precision Coil Site shall not be cause for the stoppage of work.
6 Nothing in this Order shall limit the authority of the EPA RPM or
7 OSC under federal law.

8 XIII. MODIFICATION OF WORK REQUIRED

9 A. In the event of unanticipated or changed circumstances
10 at the facility, Respondent shall notify the EPA RPM by telephone
11 within twenty-four (24) hours of discovery of the new or changed
12 circumstances. This verbal notification shall be followed by
13 written notification postmarked within three (3) days of
14 discovery of the new or changed circumstances.

15 B. The Director may determine that in addition to tasks
16 addressed herein, additional work may be required. Where consis-
17 tent with Section 106(a) of CERCLA, the Director may direct as an
18 amendment to this Order that Respondent perform these response
19 actions in addition to those required herein by any plan.
20 Respondent shall implement the additional tasks which the Direc-
21 tor identifies. The additional work shall be completed according
22 to the standards, specifications, and schedules set forth by the
23 Director.

24 XIV. SITE ACCESS

25 A. Respondent shall permit EPA and its authorized
26 representatives to have access at all times to the Precision Coil
27 Site to monitor any activity conducted pursuant to this Order to
28 conduct such tests or investigations as EPA deems necessary.

1 Nothing in this Order shall be deemed a limit upon EPA's
2 authority under federal law to gain access to the Precision Coil
3 Site.

4 B. To the extent that Respondent requires access to land
5 other than land it owns in carrying out the terms of this Order,
6 Respondent shall, within forty-five (45) days of the Effective
7 Date of this Order, obtain access for EPA, its contractors and
8 oversight officials; state oversight officials and state contrac-
9 tors; and Respondent or its authorized representatives. If
10 Respondent fails to gain access within forty-five (45) days, it
11 shall continue to use best efforts to obtain access until access
12 is granted. For purposes of this paragraph, "best efforts" in-
13 cludes but is not limited to, seeking judicial assistance and the
14 payment of money as consideration for access. If access is not
15 provided within the time referenced above, EPA may obtain access
16 under Sections 104(e) or 106(a) of CERCLA.

17 XV. DELAY IN PERFORMANCE

18 A. Any delay in performance of this Order that, in the
19 EPA's judgment, is not properly justified by Respondent under the
20 terms of this Section shall be considered a violation of this
21 Order. Any delay in performance of this Order shall not affect
22 Respondent's obligations to fully perform all obligations under
23 the terms and conditions of this Order.

24 B. Respondent shall notify EPA of any delay or anticipated
25 delay in performing any requirement of this Order. Such
26 notification shall be made by telephone to EPA's RPM within
27 forty-eight (48) hours after Respondent first knew or should have
28 known that a delay might occur. Respondent shall adopt all

1 reasonable measures to avoid or minimize any such delay. Within
2 three (3) days after notifying EPA by telephone, Respondent shall
3 provide written notification fully describing the nature of the
4 delay, any justification for delay, any reason why Respondent
5 should not be held strictly accountable for failing to comply
6 with any relevant requirements of this Order, the measures
7 planned and taken to minimize the delay, and a schedule for im-
8 plementing the measures that will be taken to mitigate the effect
9 of the delay. Increased costs or expenses associated with im-
10 plementation of the activities called for in this Order are not
11 justifications for any delay in performance.

12 C. If Respondent is unable to perform any activity or sub-
13 mit any document within the time required under this Order,
14 Respondent may, prior to the expiration of the time, request an
15 extension of time in writing. The extension request shall in-
16 clude a justification for the delay. Submission of an extension
17 request shall not affect Respondent's obligation to comply with
18 the requirements of this Order.

19 D. If EPA determines that good cause exists for an exten-
20 sion of time, it may grant a request made pursuant to Sub-
21 paragraph C, above, and specify in writing a new schedule for
22 completion of the activity and/or submission of the document.

23 XVI. ENDANGERMENT AND EMERGENCY RESPONSE

24 A. In the event of any action or occurrence during the
25 performance of the work which causes or threatens to cause a
26 release of a hazardous substance or which may present an im-
27 mediate threat to public health or welfare or the environment,
28 Respondent shall immediately take all appropriate action to

1 prevent, abate, or minimize the threat, and shall immediately
2 notify EPA's RPM, or, if the RPM is unavailable, EPA's OSC. If
3 neither of these persons is available, Respondent shall notify
4 the EPA Emergency Response Unit, Region 9, phone number (415)
5 744- 2000. Respondent shall take such action in consultation
6 with EPA's RPM and in accordance with all applicable provisions
7 of this Order, including but not limited to the Health and Safety
8 Plan.

9 B. Nothing in the preceding paragraph shall be deemed to
10 limit any authority of the United States to take, direct, or or-
11 der all appropriate action to protect human health and the en-
12 vironment or to prevent, abate, or minimize an actual or
13 threatened release of hazardous substances on, at, or from the
14 Precision Coil Site.

15 XVII.ASSURANCE OF ABILITY TO COMPLETE WORK

16 A. Respondent shall demonstrate its ability to complete
17 the work required by this Order and to pay all claims that arise
18 from the performance of the work by obtaining and presenting to
19 EPA within thirty (30) days after approval of the Field Sampling
20 and Quality Assurance Project Plans, one of the following: (1) a
21 performance bond; (2) a letter of credit; (3) a guarantee by a
22 third party; or (4) internal financial information to allow EPA
23 to determine that Respondent has sufficient assets available to
24 perform the work. Respondent shall demonstrate financial
25 assurance in an amount no less than the estimate of cost for the
26 remedial investigation. If Respondent seeks to demonstrate
27 ability to complete the remedial investigation by means of
28 internal financial information, or by guarantee of a third party,

1 it shall re-submit such information monthly from the Effective
2 Date of this Order. If EPA determines that such financial
3 information is inadequate, Respondent shall, within fifteen (15)
4 days after receipt of EPA's notice of determination, obtain and
5 present to EPA for approval on the other forms of financial
6 assurance listed above.

7 B. At least seven (7) days prior to commencing any work at
8 the Precision Coil Site pursuant to this Order, Respondent shall
9 submit to EPA a certification that Respondent or its contractors
10 and subcontractors have adequate insurance coverage or has
11 indemnification for liabilities for injuries or damages to
12 persons or property which may result from the activities to be
13 conducted by or on behalf of Respondent pursuant to this Order.
14 Respondent shall ensure that such insurance or indemnification is
15 maintained for the duration of performance of the work required
16 by this Order.

17 XVIII.DISCLAIMER

18 The United States, by issuance of this Order, assumes no
19 liability for any injuries or damages to persons or property
20 resulting from acts or omissions by Respondent, or its employees,
21 agents, successors, assigns, contractors, or consultants in car-
22 rying out any action or activity pursuant to this Order. Neither
23 EPA nor the United States shall be held as a party to any con-
24 tract entered into by Respondent, or its employees, agents, suc-
25 cessors, assigns, contractors, or consultants in carrying out any
26 action or activity pursuant to this Order.

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1 XIX. ENFORCEMENT AND RESERVATIONS

2 A. EPA reserves the right to bring an action against
3 Respondent under Section 107 of CERCLA, 42 U.S.C. §9607, for
4 recovery of any response costs incurred by the United States re-
5 lated to this Order and not reimbursed by Respondent. This
6 reservation shall include but not be limited to past costs,
7 direct costs, indirect costs, the costs of oversight, the costs
8 of compiling the cost documentation to support oversight cost
9 demand, as well as accrued interest as provided in Section 107(a)
10 of CERCLA, 42 U.S.C. §9607.

11 B. Notwithstanding any other provision of this Order, at
12 any time during the response action, EPA may perform its own
13 studies, complete the response action (or any portion of this
14 response action) and seek reimbursement from Respondent for its
15 costs, or seek any other appropriate relief.

16 C. Nothing in this Order shall preclude EPA from taking
17 any additional enforcement action, including modification of this
18 Order or issuance of additional Orders, and/or additional
19 remedial or removal actions as EPA may deem necessary, or from
20 requiring Respondent in the future to perform additional
21 activities pursuant to CERCLA, 42 U.S.C. §9607(a), et seq., or
22 any other applicable law. Respondent shall be liable under
23 CERCLA Section 107(a), 42 U.S.C. §9607(a), for the costs of any
24 such additional actions.

25 D. Notwithstanding any provision of this Order, the United
26 States hereby retains all of its information gathering, inspec-
27 tion and enforcement authorities and rights under CERCLA, the
28 Resource Conservation and Recovery Act, or any other applicable

1 statutes or regulations.

2 E. Respondent shall be subject to civil penalties under
3 Section 106(b) of CERCLA, 42 U.S.C. §9606(b), of not more than
4 \$25,000 for each day in which Respondent willfully violates or
5 fails to comply with the requirements of this Order. In
6 addition, failure to take response action in compliance with this
7 Order, or any portion hereof, without sufficient cause, may
8 result in liability under Section 107(c)(3) of CERCLA, 42 U.S.C.
9 §9607(c)(3), for punitive damages in an amount at least equal to,
10 and not more than three (3) times the amount of any costs
11 incurred by the Hazardous Substance Superfund, as a result of
12 such failure to comply.

13 F. Notwithstanding compliance with the terms of this
14 Order, including the completion of an EPA-approved remedial
15 investigation, Respondent is not released from liability, if any,
16 for any enforcement actions beyond the terms of this Order taken
17 by EPA respecting the Precision Coil Site or the San Gabriel
18 Valley Superfund Sites, Areas 1-4.

19 G. EPA reserves the right to take any enforcement action
20 pursuant to CERCLA and/or any other legal authority, including
21 the right to seek injunctive relief, monetary penalties, reim-
22 bursement of response costs, and punitive damages for any viola-
23 tion of law or this Order.

24 H. EPA expressly reserves all rights and defenses that it
25 may have, including the EPA's right both to disapprove of work
26 performed by Respondent and to request that Respondent perform
27 tasks in addition to those required in this Order, as provided in
28 Section VIII (Work Requirements) of this Order. EPA reserves

1 the right to undertake removal actions and/or remedial actions at
2 any time. EPA reserves the right to seek reimbursement from
3 Respondent for the costs incurred by the United States in removal
4 and remedial actions.

5 I. This Order does not release Respondent from any claim,
6 cause of action or demand in law or equity, including, but not
7 limited to, any claim, cause of action, or demand which lawfully
8 may be asserted by representatives of the United States or the
9 State of California.

10 J. No informal advice, guidance, suggestions, or comments
11 by EPA regarding reports, plans, specifications, schedules, and
12 any other writing submitted by Respondent will be construed as
13 relieving Respondent of its obligation to obtain such formal ap-
14 proval as may be required by this Order.

15 XX. NOTICE OF INTENT TO COMPLY

16 Respondent shall, within two (2) days of the Effective Date
17 of this Order, provide written notice to EPA stating whether
18 Respondent will comply with the terms of this Order. Failure to
19 respond, or failure to agree to comply with this Order, shall be
20 deemed a refusal to comply with this Order.

21 XXI. OPPORTUNITY TO CONFER

22 A. Respondent may, within three (3) days of receipt of
23 this Order, request a conference with EPA's Director of the Haz-
24 ardous Waste Management Division, or whomever the Director may
25 designate. If requested, the conference shall occur within seven
26 (7) days of the request, unless extended by mutual agreement of
27 the Parties, at EPA's Regional Office, 75 Hawthorne Street, San
28 Francisco, California.

1 B. At any conference held pursuant to Respondent's
2 request, Respondent may appear in person, or be represented by an
3 attorney or other representative. If Respondent desires such a
4 conference, the Respondent shall contact Mark Klaiman, Assistant
5 Regional Counsel, at (415) 744-1374.

6 C. The purpose and scope of any such conference held
7 pursuant to this Order shall be limited to issues involving the
8 implementation of the response actions required by this Order and
9 the extent to which Respondent intends to comply with this Order.
10 If such a conference is held, Respondent may present any
11 evidence, arguments or comment regarding this Order, its
12 applicability, any factual determinations upon which the Order is
13 based, the appropriateness of any action which Respondent is
14 ordered to take, or any other relevant and material issue. Any
15 such evidence, arguments or comments should be reduced to writing
16 and submitted to EPA within three (3) calendar days following the
17 conference. This conference is not an evidentiary hearing, and
18 does not constitute a proceeding to challenge this Order. It
19 does not give Respondent a right to seek review of this Order, or
20 to seek resolution of potential liability, and no official
21 stenographic record of the conference will be made. If no
22 conference is requested, any such evidence, arguments or comments
23 must be submitted in writing within three (3) calendar days
24 following the Effective Date of this Order. Any such writing
25 should be directed to Mark Klaiman, Assistant Regional Counsel,
26 at the address cited above.

27 D. Respondent is hereby placed on notice that EPA will
28 take any action which may be necessary in the opinion of EPA for

1 the protection of public health and welfare and the environment,
2 and Respondent may be liable under Section 107(a) of CERCLA, 42
3 U.S.C. Section 9607(a), for the costs of those government
4 actions.

5 XXII. SEVERABILITY

6 If any provision or authority of this Order or the applica-
7 tion of this Order to any circumstance is held by a court to be
8 invalid, the application of such provision to other circumstances
9 and the remainder of this Order shall not be affected thereby,
10 and the remainder of this Order shall remain in force.

11 XXIII. PENALTIES FOR NONCOMPLIANCE

12 Respondent is advised pursuant to Section 106(b) of CERCLA,
13 42 U.S.C. Section 9606(b), that willful violation or subsequent
14 failure or refusal to comply with this Order, or any portion
15 thereof, may subject Respondent to a civil penalty of up to
16 \$25,000 per day for each day in which such violation occurs, or
17 such failure to comply continues. Failure to comply with this
18 Order, or any portion thereof, without sufficient cause may also
19 subject Respondent to liability for punitive damages in an amount
20 three times the amount of any cost incurred by the government as
21 a result of the failure of Respondents to take proper action,
22 pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section
23 9607(c)(3).

24 XXIV. EFFECTIVE DATE

25 This Order is effective three (3) calendar days following
26 receipt by Respondent unless a conference is requested as
27 provided herein. If such a conference is requested, this Order
28 shall be effective the second (2nd) calendar day following the

day of such conference unless modified in writing by EPA.


XXV. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, that all of the terms of this Order, including any additional tasks which EPA has determined to be necessary, have been completed.

IT IS SO ORDERED:

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

By:


Jeff Zelickson

Director

Hazardous Waste Management Division
Region 9

Date:

10-29-91

EPA Region 9 Contacts:

Wayne Praskins
Remedial Project Manager (H-6-4)
Hazardous Waste Management Division
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-2259

Mark Klaiman
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1374

ATTACHMENT

The following list, although not comprehensive, comprises many of the regulations and guidance documents that apply to the Investigation process:

The (revised) National Contingency Plan

"Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA," U.S. EPA, Office of Emergency and Remedial Response, October 1988, OSWER Directive No. 9355.3-01.

"Interim Guidance on Potentially Responsible Party Participation in Remedial Investigation and Feasibility Studies," U.S. EPA, Office of Waste Programs Enforcement, Appendix A to OSWER Directive No. 9355.3-01.

"A Compendium of Superfund Field Operations Methods," Two Volumes, U.S. EPA, Office of Emergency and Remedial Response, EPA/540/P-87/001a, August 1987, OSWER Directive No. 9355.0-14.

"EPA NEIC Policies and Procedures Manual," May 1978, revised November 1984, EPA-330/9-78-001-R.

"Data Quality Objectives for Remedial Response Activities," U.S. EPA, Office of Emergency and Remedial Response and Office of Waste Programs Enforcement, EPA/540/G-87/003, March 1987, OSWER Directive No. 9335.0-7B.

"U.S. EPA Region 9 Guidance for Preparing Quality Assurance Project Plans for Superfund Remedial Projects," 9QA-03-00, U.S. EPA Region 9 QAMs, September 1989.

"Users Guide to the EPA Contract Laboratory Program," U.S. EPA, Sample Management Office, August 1982.

"Health and Safety Requirements of Employees Employed in Field Activities," U.S. EPA, Office of Emergency and Remedial Response, July 12, 1981, EPA Order No. 1440.2.

OSHA Regulations in 29 CFR 1910.120 (Federal Register 45654, December 19, 1986).

Preparation of a U.S. EPA Region 9 Field Sampling Plan for Private and State-Lead Superfund Projects, Document Control Number 9QA-06-89, April 1990, U.S. EPA Region 9, Quality Assurance Management Section.